IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

WP(C).No. 30632 of 2006(V)

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PETITIONERS:

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1. PARENT TEACHERS ASSOCIATION
   SIR SYED HIGH SCHOOL, P.O. KARIMBAM,
   TALIPARAMBA-670 142, KANNUR DISTRICT,
   REPRESENTED BY ITS VICE PRESIDENT K.V.M.KUNHI.

2. MANAGER, SIR SYED HIGH SCHOOL,
   P.O. KARIMBAM, TALIPARAMBA -670 142,
   KANNUR DISTRICT.

BY ADV. SRI.A.A.ABUL HASSAN
SMT.MINI.V.A.

RESPONDENTS:

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1. THE COMMISSIONER FOR GOVERNMNET
   EXAMINATIONS, PAREEKSHA BHAVAN,
   POOJAPPURA, THIRUVANANTHAPURAM-12.

2. THE DISTRICT EDUCATIONAL OFFICER,
   KANNUR.

BY GOVT. PLEADER SRI. A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.M.JOSEPH, J.**

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WP.(C) No.30632 OF 2006

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Dated this the 23rd day of November, 2006

**JUDGMENT**

Case of the petitioners in brief is as follows:

First petitioner is the Parent Teacher Association of Sir Syed High School, herein after referred to as the School. Second petitioner is the Manager. It is stated that the second petitioner was sanctioned a High School during the academic year 2004-2005. They would say that there are 43 students in Standard X. Ext.P1 is a letter issued by the Secretary, Office of the Commissioner for Government Examinations to the DEO. It is inter alia stated therein as follows:

> "The strength in Std.X in the School where a new centre is proposed should ordinarily be forty or above. If special circumstances warrant the sanction of a new centre in a School where the strength is below 40, recommendations may be made furnishing the reasons therefor."

Ext.P2 is relied on to show that there are 43 students in Standard X. It is a true copy of the attendance register. It is their further case that the Deputy Director, General Education, Kannur visited the School for higher level verification. In the verification report, he has noted the

roll strength as 44 and verified strength as 41 in Std. X. It is their case that the School is entitled to a new examination centre for SSLC Examination to be held in March, 2007. The DEO visited the School to verify the facilities for sanctioning recognition and he submitted Ext.P5 report, wherein it is stated that almost all the conditions have been fulfilled by the petitioners. Ext.P6 is the order impugned. By Ext.P6, the Secretary to the Commissioner for Government Examinations, Thiruvananthapuram found that there is no required strength in the School for allotting new examination centre. The School is seen clubbed with Seethi Sahib High School, Taliparamba.

2. Learned counsel for the petitioners Sri.A.A.Abul Hassan, after referring to the Clause in Ext.P1, which is already extracted in this judgment, and Exts.P2 and P3 submits that the finding in Ext.P6 that there is no required strength is absolutely unsustainable. He also refers to Exts.P7 and P8. In Ext.P7, the Secretary has found that Jama-Ath High School, Thiruvattoor does not have the required strength. It is pointed out that it is also a new School. He would point out that however, by Ext.P8 order, the very same officer has granted sanction to

open a new examination centre in the said school. It is pointed out that orders are passed on extraneous consideration and without considering the materials.

3. Learned Government Pleader on instruction submits that the statement of the petitioners that there is sufficient student strength is correct. But refusal to sanction a new examination centre is sought to be justified stating that the School does not enjoy permanent recognition.

4. The submission of the learned counsel for the petitioners on the other hand is that there is no such embargo and permanent recognition is granted only after four years. He also points out Ext.P8.

5. It is clear that the basis on which Ext.P6 order is passed is palpably unsustainable. It has no legs to stand on.

Accordingly, Ext.P6 is quashed and the first respondent is directed to reconsider the matter and take a decision afresh in accordance with law after hearing the petitioners also, within a period of three weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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**JUDGMENT**

Dated this the day of February, 2006.